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Attorneys for Defendants  
 Wal-Mart Stores, Inc. (erroneously sued as  
 "Wal-Mart") and General Electric Company  
 (erroneously sued as "General Electric")

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

Indiezone, Inc., a Delaware corporation, and  
 EoBuy, Limited an Irish private limited  
 company,

Plaintiffs,

vs.

Todd Rooke, Joe Rogness, Phil Hazel, Sam  
 Ashkar, Holly Oliver and U.S. Bank, collectively  
 the ***RICO Defendants***;

Jingit LLC., Jingit Holdings LLC., Jingit  
 Financial Services LLC., Music.Me, LLC, Tony  
 Abena, John E. Fleming, Dan Frawley, Dave  
 Moorehouse II, Chris Ohlsen, Justin James,  
 Shannon Davis, Chris Karls in their capacities as  
 officers, agents and/or employees of the Jingit  
 LLC.,  
***Defendants in Negligence, and Aiding/Abetting***;

Wal-Mart, General Electric, Target, DOE(s) and  
 ROE(s) 1 through 10, ***Defendants in Negligence  
 Secondary-Vicarious Infringement***,

Defendants.

Case No.: 3:13-cv-04280-VC

**DEFENDANTS WAL-MART STORES,  
 INC. AND GENERAL ELECTRIC  
 COMPANY'S NOTICE OF JOINDER AND  
 JOINDER IN DEFENDANTS'  
 OPPOSITION TO PLAINTIFFS'  
 [SECOND] MOTION TO AMEND THEIR  
 SUMMONS AND COMPLAINT**

Date: June 5, 2014  
 Time: 1:30 p.m.  
 Place: Courtroom 4

Compl. Filed: September 16, 2013

Honorable Vince Chhabria

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on June 5, 2014 at 1:30 p.m. in Courtroom 4 of the above-referenced Court, which is located at 450 Golden Gate Avenue, San Francisco, California, before the Honorable Vince Chhabria, Judge of the United States District Court for the District of Northern California, defendants Wal-Mart Stores, Inc. (erroneously sued as “Wal-Mart”) and General Electric Company (erroneously sued as “General Electric”) (collectively, “Defendants”) will and hereby do oppose plaintiffs Indiezone, Inc. and EoBuy, Limited’s (collectively, “Plaintiffs”) second motion for leave to amend their Summons and Complaint (Dkt. Nos. 84 and 90) (“Motion to Amend”) by joining in defendants’ *Opposition to Plaintiffs’ [Second] Motion to Amend their Summons and Complaint* (Dkt. No. 94) (“Opposition”).

This motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, and all papers and pleadings on file in this Action.

**MEMORANDUM OF POINTS AND AUTHORITIES**

Defendants hereby oppose Plaintiffs’ Motion to Amend by joining, and incorporating by this reference as if fully set forth herein, the Opposition to Plaintiffs’ [Second] Motion to Amend their Summons and Complaint, the arguments and supporting affidavits made thereto, including the Second Supplemental Declaration of Brian Walker in support thereof (Dkt. No. 95), and all other related papers/pleading filed in this Action, filed by defendants Jingit, LLC, Jingit Holdings, LLC, Jingit Financial Services, LLC, Sam Ashkar, Phil Hazel, Holly Oliver, Shannon Davis, Justin James, Chris Ohlsen, Dan Frawley, Dave Moorehouse II, Tony Abena, Chris Karls, John E. Fleming, Music.Me, LLC, and U.S. Bank National Association (“Stay Defendants”) and Todd Rooke and Joe Rogness, to deny Plaintiffs’ Motion to Amend. This motion is brought on the grounds that Plaintiffs’ Motion to Amend and proposed amendment to add eoBuy Licensing Limited as a plaintiff to this lawsuit is futile, and is also made in bad faith.

**CONCLUSION**

For the reasons set out herein and in the incorporated joined papers, Defendants respectfully ask the Court to deny Plaintiffs’ Motion to Amend their summons and complaint.

DATED: April 23, 2014

REED SMITH LLP

By /s/ Robert N. Phillips

Robert N. Phillips (SBN 120970)

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Attorneys for Defendants  
Wal-Mart Stores, Inc. and General Electric  
Company

REED SMITH LLP  
A limited liability partnership formed in the State of Delaware